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Amendment No. 23 to HB0001

**Head
Signature of Sponsor**

AMEND Senate Bill No. 1*

House Bill No. 1

By deleting from amendatory § 4-51-124(a) of Section 2 the following language:

(7) Identifying information obtained from prize winners, including, but not limited to, home and work addresses, telephone numbers, social security number and any other information that could reasonably be used to locate the whereabouts of an individual; provided that the corporation may disclose any relevant information to a claimant agency pursuant to part 2 of this chapter and may disclose a lottery prize winner's name, home state, hometown and, if authorized by the prize winner, any other information.

and by substituting instead the following:

(7) Identifying information obtained from prize winners, including, but not limited to, home and work addresses, telephone numbers, social security number and any other information that could reasonably be used to locate the whereabouts of an individual; provided that:

(A) The corporation shall disclose any relevant information to a claimant agency pursuant to part 2 of this chapter necessary to establish or enforce a claim against a debtor as defined in part 2 of this chapter;

(B) The corporation may disclose a lottery prize winner's name, home state, hometown and, if authorized by the prize winner, any other information for marketing, advertising or promotional purposes; and

(C) The corporation shall disclose any information not subject to the provisions of subdivisions (1)-(4) or (6), that is otherwise necessary to assist any federal, state or local entity in the performance of its statutory or regulatory duties.

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AND FURTHER AMEND by deleting subdivisions (2) and (3) of amendatory § 4-51-202 and by substituting instead the following:

(2) "Debt" means any liquidated sum due and owing any claimant agency, which sum has accrued through contract, subrogation, tort or operation of law, regardless of whether there is an outstanding judgment for the sum or any sum which is due and owing any person and is enforceable by the state or any of the claimant agencies of the state. "Debt" specifically includes, but is not limited to, uncollected amounts owed by any person due to judgments for overdue child support as provided by title 36, chapter 5.

(3) "Debtor" means any individual owing money or having a delinquent account with any claimant agency, which obligation has not been adjudicated as satisfied by court order, set aside by court order or discharged in bankruptcy. "Debtor" specifically includes, but is not limited to, all persons who are required by any order to pay child support and whose payments are overdue as provided by title 36, chapter 5, and which payments have become judgments by operation of law pursuant to § 36-5-101(a)(5), or by law in any other state or territory, or by judgment of a court in this or any other state or territory.

AND FURTHER AMEND by deleting subsections (a) and (b) of amendatory § 4-51-204 of Section 2 and by substituting instead the following:

(a)

(1) Any claimant agency may submit to the corporation a list of the names of all persons owing debts in excess of one hundred dollars (\$100) to such claimant agency or to persons on whose behalf the claimant agency is acting. The full amount of the debt

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shall be collectable from any lottery winnings without regard to limitations on the amounts that may be collectable in increments through garnishment or other proceedings. Such list, filed by paper or by electronic means, shall constitute a valid lien upon and claim of lien against the lottery winnings of any debtor named in such list. The list shall contain the names of the debtors, their social security numbers, if available, and any other information that would assist the corporation in identifying the debtors named in the list.

(2) The corporation may establish with any claimant agency, which has such capability, an automated process utilizing the corporation's and the claimant agency's databases to effectuate the provisions of this part, including, but not limited to, a computerized matching process.

(b)

(1) The corporation is authorized and directed to withhold any winnings subject to the lien created by this section and send notice to the winner by certified mail, return receipt requested, of such action and the reason the winnings were withheld. However, if the winner appears and claims winnings in person, the corporation shall notify the winner at that time by hand delivery of such action.

(2) If the debtor does not protest the withholding of such funds in writing within thirty (30) days of such notice, the corporation shall pay the funds over to the claimant agency. Except as provided in subdivision (3), if the debtor protests the withholding of such funds within thirty (30) days of such notice, the corporation shall file an action in interpleader in the circuit court of the county in which the debtor resides if the debtor

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resides in Tennessee. If the debtor does not reside in Tennessee, such action shall be filed in Davidson County. The corporation shall pay the disputed sum into the clerk of the court and give notice to the claimant agency and debtor of the initiation of such action.

(3) For all persons who are debtors of the department of human services due to overdue child support, the corporation shall withhold all winnings subject to administrative proceedings in accordance with the provisions of title 36, chapter 5 and the rules of the department.

AND FURTHER AMEND by deleting subsection (e) of amendatory § 4-51-204 of Section 2 and by substituting instead the following:

(e) Any list of debt provided pursuant to this part shall be provided periodically as the corporation shall provide by rules and regulations and the corporation shall not be obligated to retain such lists or deduct debts appearing on such lists beyond period determined by such rules and regulations; provided that lists provided to the corporation through an automatic data match process shall be maintained on an ongoing basis to enable the continuous monitoring and withholding of lottery winnings for debts due any claimant agency.

AND FURTHER AMEND By deleting the word "may" from amendatory § 4-51-205(a) and by substituting instead the word "shall".